

Wisconsin River Rail Transit Commission

Full Commission Mtg. – Friday, 4 August 2006 at 10:00 a.m.

Dane County Highway Garage, 2302 Fish Hatchery Road, Madison, WI

1. Karl Nilson, Acting Chair, called the meeting to order at 10:03 a.m.

Nilson expressed regret over Steve's Foye's recent death and said he appreciates the support of the Commission as he follows its three Chairs—Dick Scullion, Toby Shroble, and Steve Foye.

2. Roll Call / Establishment of Quorum

County	Commissioner		XCOM	ROLL CALL
Crawford	Ted	Sheckler	2nd Vice Chair	
	Phillip	Mueller		
	Tom	Cornford		present
Dane	Gene	Gray	1st Treasurer	present
	Jim	Haefs-Flemming		present
	Forrest	Van Schwartz	2nd Advocate	present
Grant	Velma	Weadge	2nd Secretary	present
	Doug	Eisele		present
	Robert	Scallion		present
Iowa	Mark	Masters		
	Charles	Anderson	Exec. Member	present
		<i>vacant</i>		
Rock	Steve	Eager		
	William	Agnew	1st Secretary	present
	Alan	Sweeney		
	Ben	Coopman		
Sauk	Robert	Sinklair	1st Treasurer	present
	Joel	Gaalswijk		present
	Larry	Volz		present
	Marcy	Huffaker		
Walworth		<i>vacant</i>		
	Richard	Kuhnke	1st Advocate	present
	Allan	Polyock		present
Waukesha	Richard	Manke		present
	Karl	Nilson	Acting Chair	present
	Robert	Thelen, II		present

Others present for all or part of the meeting: Joni Graves (SWWRPC Transportation Planner / WRRTC staff); Jim Matzinger (Dane County CPA / WRRTC staff); Frank Huntington and Ron Adams (WisDOT); Ken Lucht (WSOR); Senator Jon Erpenbach; Mark Nesbitt (*Sauk Prairie Eagle*).

3. Motion certifying public notice of the meeting by Graves / Agnew / Polyock / Motion passed unanimously.

4. Approval of the Agenda - Nilson said Graves would not be able to staff the meeting scheduled for November 10th and asked that approval of the Agenda, which included the schedule of meetings through the remainder of the year, consider rescheduling the meeting for Friday, November 3rd.

Motion approving the Agenda, as presented, and rescheduling the Commission's November 10th meeting of the Full Commission for November 3rd / Gray / Manke / Motion passed unanimously.

Nilson said he would like future Agendas to include: a) public comment, with a three-minute time limit per speaker and no discussion, b) a report on correspondence received by the Commission, and c) an opportunity to identify Agenda items for the next meeting.

Motion that future Agendas include sections for a) public comment, with a three-minute time limit per speaker and no discussion, b) a report on correspondence received by the Commission, and c) identifying Agenda items for the next meeting / Gaalswijk / Gray / in discussion it was clarified that the public comments

could relate to any topic, although the comments would not be discussed by the Commission if they did not relate to issues that were on the Agenda. Van Schwartz said he would like the Agenda to include discussion about Mazomanie and the Sauk Bridge; Nilson said these items were not on the Agenda, but may be addressed under WSOR's report. / **Motion passed unanimously.**

5. Motion approving the draft Minutes from the June and July 2006 XCom meetings, prepared by Graves / Kuhnke / Sinklair / Motion passed unanimously.

6. Motion concurring with actions taken by the XCom at its June and July 2006 meetings / Van Schwartz / Anderson / Motion passed unanimously.

The Chair welcomed Senator Erpenbach and asked if he had any comments. The Senator said he was present because of the very important Mazomanie issue; he made brief comments on this and other issues before the Legislature, concluding that Commissioner Gray had been his school principal and jesting "...it scares him that I'm in charge of his pension now."

REPORTS & DISCUSSION

7. WSOR's Operator's Report – Ken Lucht

Lucht provided an update on WSOR's work on the Waukesha Subdivision; goal to install more than 50,000 ties (last year they had installed 30,000); the Hartford-to-Slinger project, where 6 miles of continuous welded rail has been installed, funded 80% by WisDOT with a 20% local match from WSOR; the just-completed installation of continuous welded rail at Orfordville, replacing rail that was 80-90 years old, also funded 80% by WisDOT with a 20% local match from WSOR. The next project will be Fox Lake-to-Wheeler Pit – a Phase I tie-replacement project near Janesville. Questions were asked about segments where slow orders are in effect and Lucht talked about plans to make improvements in some of those locations, when funds are available, concluding "That's the life of a shortline railroad – you have some slow orders and have to deal with them."

In response to comments, Huntington and Lucht said that Illinois has a loan program that has been utilized in the past, and that WSOR has submitted an application for funds to work on the segment there, agreeing that it is a very significant project.

He provided an update on traffic noting that it is a balancing act and, although it had nothing to do with WSOR, they have had a couple customers leave them or give notice that they will be leaving them (Madison Waste Disposal and MG&E); he also provided an update on new customers: 84-Lumber in McFarland; the ethanol plant in Milton will be operational in December or January in Milton; in Arena the rezoning for the proposed ethanol plant was approved by the Town and will go to the County next; and in Columbia County, Didion Milling is progressing with getting the required approvals; and mentioned another business in Oshkosh. He concluded that traffic has been steady.

With regard to Mazomanie, he said that WSOR and the Village have come to terms on a Hold-Harmless Agreement. After further discussion, it was confirmed that the next step would be the multi-party agreement between WRRTC, the Village, and WSOR for the work to be done at the Roundy's site, the transfer of property, permits for work to be done to remove the spur downtown, and that no work would commence until these agreements were in place.

WSOR Request for approval of a letter of support for WSOR's 8+3 Plan – Ken Lucht

Lucht said that if the Commission gave its support, he would work with Graves to prepare a letter of support for WSOR's 8+3 plan. He explained that WSOR's 5+1 Plan was a success with the Legislature supporting and increase in funding from \$2.5M to \$6.1M and \$1M for bridges. Although the Legislature had supported the segregation of funds, the Governor had vetoed that portion. With the prospect that there will be more acquisitions in the future, the railroad recommends that those funds be separated so that rehab funds are not diminished. He said that the Pecatonica Rail Transit Commission had agreed to send letter of support to the Legislature's Joint Finance Committee and to the Governor.

Motion approving the drafting of a letter of support for WSOR's 8+3 Plan, which would be presented for action at the September Executive Committee meeting / Polyock / Haefs-Flemming / Motion passed unanimously.

8. WisDOT Report – Frank Huntington and Ron Adams

Decisions have been made regarding grant funding and acquisitions (Kohler-to-Sheboygan and Barron-to-Rice Lake), with eight grant awards – six of those are on the WSOR system, including the \$2.7M Janesville-to-Walworth project. There will be no more money until July of next year under the new budget.

The bridge study is basically done and WisDOT should have a few copies for the Commission at the next meeting and it will be available electronically (the brief report is approximately 60 pages and the full report is approximately 400 pages with attachments). The report was based on a sampling of bridges across the system, including timber and other structures, to determine their design capability to bear 286K loads and the cost to upgrade structures where they may be deficient. The study said it would cost \$25M over 5 years to meet 286K standards and WisDOT will use available funds to start work on some of the bridges this year, including the Janesville-to-Walworth and Janesville-to-Monroe segments.

Nilson asked whether the safety of railroad crossings is the responsibility of the Office of the Commissioner of Railroads, noting that there had been discussion at the Waukesha County Board about a crossing which he had gone to look at it and he said it was in very bad condition. Adams said the OCR can respond to issues re rough crossings and the railroad would be required to make repairs; he suggested the County notify the OCR through its Public Works Department and said his office would notify the OCR on behalf of WisDOT.

Follow-Up: Ron Adams said there is a form and process for reporting rough crossing, which can be provided at the next Commission meeting. On Aug 4th he emailed that, after the meeting, WisDOT staff had contacted the Union Pacific about the rough crossing mentioned at the meeting.

The MRUTC pavement study (looking at the additional maintenance costs for truck traffic vs. the benefit if loads were shipped via rail) includes case studies at three locations in WI, MN, and MI. Huntington said WSOR has been very helpful, but it has been hard to get information from the other railroads and there have been some difficulties in getting pavement costs information too. They anticipate that they should have the study completed by the end of the year. Nilson said this would be good information for county boards.

9. Staff Report Topics & Possible Action Items – Joni Graves, SWWRPC / WRRTC staff

Graves presented the policy renewal for the dishonesty bond (payment of the invoice was included under the Treasurer's Report). She provided an update that the proposal submitted to Senator Kohl by the WRRTC, WSOR, and Grant County Economic Development Corporation for improvements to the corridor between Madison and Boscobel had not made it through the federal markup process. A sign-up sheet was distributed to get a list of those who would like to see the UW-Platteville 2003 study on the Sauk Bridge in electronic or hard-copy format.

Follow-Up: Electronic copies of the UW-Platteville Sauk Bridge study (2003) will be made available at the to requestors at the next meeting (or mailed to those who are not on the Executive Committee); the limited number of hard copies will be made available on-loan, since they would be difficult to reproduce.

10. Financials Reports & Possible Action Items – Jim Matzinger, Dane County / WRRTC staff

Matzinger reported that all of the county funding has been received for the 2006 rehab project; presented the Treasurer's report; and update on billings for leases (Lamar and Natro Gas); noted that WRRTC will be reimbursed for part of its insurance premium from WisDOT; and presented a new page in the financial report with "aged receivables" noting that WSOR owes some money and Van Schwartz quipped, "Should we hold Ken hostage?"

Motion to accept the financials report as presented / Kuhnke / Sinklair / Motion passed unanimously.

Matzinger presented the bills, including the aforementioned dishonesty bond and Westbrook Engineering for \$1,830 for the Sauk Bridge inspection. Huntington asked if the Commission had received the actual report. Van Schwartz said he had only received what he had emailed to Huntington and that part of it was useless. Van Schwartz said he would like invoices to be sent to Commissioners who were involved in projects for their prior OK and that, although Westbrook was under cost, the electronic version was useless. He said he would follow up and then OK the invoice for payment.

Motion approving payment to Dane County (\$486.81 for June accounting services), Lake County and McHenry County (\$370.06 and \$1,741.03 for the second installment for property taxes, which will be reimbursed by WSOR), Richgels-Shaefer Agency (\$556.75 for the Commission's dishonesty bond) and Westbrook Engineering (\$1,838.00 for their Sauk Bridge inspection, but only after Van Schwartz follows up with them and has OK'd payment) / Manke / Gray / Motion passed unanimously.

Follow-Up: Van Schwartz will follow up with Westbrook Engineering re their bridge inspection report and, once he has OK'd it, notify Matzinger that payment may be sent.

Matzinger said the 2004 audit is complete, but not yet received, and copies of the draft will be mailed to all Commissioners before the next meeting, on the next Agenda for acceptance and approval, and Commissioners can determine who to send the final copies to at their respective Counties. He said work on the 2005 audit is proceeding.

Follow-Up: Copies of the 2004 draft audit will be mailed to Commissioners prior to the next meeting and acceptance and approval will be on the September Agenda. Input is sought on whom to send the final audit to in each county.

OTHER COMMISSION BUSINESS

11. "The Old Feed Mill" site, Spring Grove, IL – Prior to the last meeting, the owners of a disposal and demolition company who had expressed interest in the site indicated they would like to attend an upcoming Commission meeting to make a leasing proposal; at the time of this mailing, no further information has been received. Graves said she had received communication from the prospective applicant on August 3rd, to the effect that they were not prepared for making a proposal just yet, but were working on researching the property and use of rail for the future. They indicated that they will continue to provide updates as they move forward. This particular issue will return to a future Agenda, as appropriate. Lucht said he had recently been called by the Village about the structure.

12. Action on July 2006 Closed Session matter under 19.85(1)(c) –

Nilson introduced the text of the Executive Committee's prior action and said the Commission should revisit all of its policies in the future: *Clarification of Contracted Staff Reporting Procedures, a.k.a. Chain of Command. Any and all contracted or paid staff to WRRTC must take their direction, pertaining to WRRTC business, solely from the Chair of the Commission (who takes direction from the Commission). This requires staff members getting prior approval from the Chair before attending any functions outside of normally scheduled monthly WRRTC meetings. These functions would include EWCRC and 66-Committee meetings, for example. This does not preclude staff from attending outside meetings as private citizens or on behalf of other organizations* / Nilson / Weadge / Motion passed unanimously.

Motion adopting the policy clarification approved by the Executive Committee at its July 2006 meeting / Van Schwartz / Volz / Motion passed unanimously.

13. Prior to adjourning, Nilson said Steve Foye had loved the railroad and would be missed. Van Schwartz said there had been some wonderful photos at the visitation and perhaps the Commission could get copies for its scrapbook. Graves had arranged for a plant to be sent to the visitation on behalf of the Commission, staff, and friends. Eileen Brownlee and several Commissioners were able to attend. Van Schwartz said that although Graves had been out-of-state on business, her husband was to be commended for attending. [Note – Graves later clarified that the confusion may have been because Steve had a sister named Joan (husband Dick) but that her husband, Rick, had not been able to attend). Lucht was asked what the Commission did to after Commissioner Scullion passed away and he said that they had prepared a Resolution, with WisDOT and the railroad, and representatives had gone to the family farm and presented it to the family with a donation. It was suggested that a plaque be prepared to commemorate Steve Foye's contributions and that it be presented to Mrs. Foye.

Follow-Up: A plaque will be prepared commemorating Commissioner Foye's contributions to WRRTC.

Motion to adjourn at 11:20 a.m. / Polyock / Sinklair / Motion passed unanimously.